

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-06273-CR-HUCK

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARIEL HERNANDEZ,

Defendant.

EMERGENCY
MOTION FOR CONTINUANCE OF HEARING
SCHEDULED FOR AUGUST 7, 2003; REQUEST THAT
ARIEL HERNANDEZ BE TRANSPORTED TO HEARING

COMES NOW the Defendant, Ariel Hernandez, by and through his undersigned counsel, and respectfully requests this Honorable Court enter an Order continuing the hearing presently scheduled for August 7, 2003, and as grounds and in support thereof, states as follows:

1. A hearing to determine which tapes were played to the jury and when they were played during the jury trial which began on November 19, 2001 and concluded on December 14, 2001 is set for Thursday, August 7, 2003 before this Honorable Court.
2. Undersigned counsel has non-refundable prepaid annual vacation plans to be out of the State of Florida from August 5, 2003 through August 8, 2003 with his wife and two minor children
3. Because reconstruction of significant portions of the record is a critical stage in

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the proceedings, undersigned counsel does not waive Ariel Hernandez's appearance from the reconstruction hearing and requests that he be transported by the U.S. Marshals Service to the hearing.

4. This motion is made in good faith and not for the purpose of delay or avoidance.

5. Other grounds shall be argued *ore tenus*.

6. On July 30, 2003, undersigned counsel attempted to contact the trial prosecutors and learned that AUSA Lavechio is out of the office until August 5, 2003. Undersigned counsel has spoken with AUSA Sloman who has no objection to this request for continuance.

WHEREFORE, based upon the foregoing grounds and authority, the Defendant, Ariel Hernandez, respectfully requests this Honorable Court enter an Order continuing the hearing presently scheduled for August 7, 2003 and transport Ariel Hernandez to any hearing scheduled in this matter.

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was furnished by mail this **31st day of JULY, 2003** to: LIST OF ATTACHED COUNSEL.

Respectfully Submitted,

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BY 

RICHARD L. ROSENBAUM

USA v. ARIEL HERNANDEZ
UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA
CASE NO: 00-06273-CR-HUCK

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